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October 25, 2007

**VIA FEDERAL EXPRESS**

Daniel F. Caruso, Chairman  
CONNECTICUT SITING COUNCIL  
Ten Franklin Square  
New Britain, CT 06051

**Re: Petition No. 815 – Iroquois Gas Transmission System, L.P.  
Petition for Declaratory Ruling, Re: Iroquois 08/09  
Expansion Project In Brookfield, Newtown and Milford**

Dear Chairman Caruso:

Enclosed please find an original and twenty (20) copies of the following documents which were also e-filed on today's date:

- 1) Brief of the Town of Brookfield; and
- 2) Statement of the First Selectman, Town of Brookfield.

Very truly yours,

  
Thomas W. Beecher

TWB:aar  
Enclosures

cc: Philip M. Small, Esq. ([psmall@brownrudnick.com](mailto:psmall@brownrudnick.com))  
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**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**IROQUOIS GAS TRANSMISSION SYSTEM, L.P. : PETITION 815**  
**PETITION FOR DECLARATORY RULING :**  
**RE: NATURAL GAS COMPRESSOR STATION :**  
**BROOKFIELD, CONNECTICUT : OCTOBER 25, 2007**

**BRIEF OF THE TOWN OF BROOKFIELD**

The Town of Brookfield (hereinafter "Town") recognizes that the Connecticut Siting Council is pre-empted from exercising jurisdiction over the siting of the compressor station and related facilities at the High Meadow Road site in Brookfield, Connecticut. The Town expresses its gratitude, however, to the Connecticut Siting Council for the opportunity to comment on the proposal and for the Council's decision once again to hire an independent consultant to advise the Council on safety and technical issues associated with this facility. It is the Town's hope that the Siting Council will once again provide information and recommendations to FERC on the issues of siting, safety, environmental issues and technical enhancements.

The Town of Brookfield strongly objects to the siting of a second compressor facility at the High Meadow Road site in the Town of Brookfield. While there are environmental issues that allegedly militated against selection of the Vale Road site, there are human considerations that militate against siting yet another compressor in such close proximity to residential properties and the Whisconier Middle School. There are over 1,000 students in the Whisconier Middle School. The school has many after-

school activities and the playground space and athletic fields are constantly in use and Brookfield cannot risk a malfunction or worse from gas compressors situated in such close proximity.

With respect to the High Meadow Road site, previously approved by FERC, the Town is extremely concerned about the potential for a catastrophic event which will pose a significant risk, not only to nearby residents, but to school children and staff at the Whisconier Middle School. The Connecticut Siting Council has already concluded in Petition 540 that "if an incident were to occur at the proposed compressor station, the playing field at Whisconier Middle School might be of concern because it is an unsheltered area." (Petition 540, Findings of Fact, p. 8) The Town is also concerned, particularly based upon the topography of the site, with the air quality impacts and noise impacts associated with this facility.

The new second compressor station proposal is designed to receive natural gas flow from the Algonquin system, which has lower pressure piping, and increase the pressure in the system for transportation of that natural gas through the Iroquois piping network. This proposal again represents a reversal of the existing system which was designed to transport natural gas from the Iroquois system to the Algonquin system.

In December of 2006, FERC approved the construction of a 7,700 horsepower compressor. Pursuant to that approval, natural gas will be piped from Ramapo, New York all the way up to Brookfield so as to be transported circuitously back to the Hunts Point Meter Station in the Bronx, New York.

Pursuant to a "Precedent Agreement" with Consolidated Edison, Iroquois will transport 100,000 dekatherms per day to be received from Millennium, via Algonquin, through Brookfield. The FERC approval allowed up to 125,000 dekatherms to be transported through Brookfield.

The High Meadow Road site is the unfortunate juncture of two Algonquin Pipelines and an Iroquois Pipeline. The Algonquin Pipelines include one 26 inch diameter line with a maximum allowable operating pressure (MAOP) of 674psi and a 30 inch diameter line with an MAOP of 750psi. The Iroquois Pipeline is a 24 inch diameter pipe with an MAOP of 1,440psi. The Town of Brookfield is now also the unfortunate victim of circumstances. Pursuant to paragraph 60 of the December, 2006 FERC approval concerning the Millennium project, which included the 7,700 horsepower first compressor, FERC states that Algonquin had an agreement with Keyspan to provide up to 200,000 dekatherms per day from Ramapo, New York to Islander East via the Cheshire, Connecticut Compressor station. Unfortunately for Brookfield, the Islander East project has been delayed by a Federal Court Ruling which is now on appeal to the United States Second Circuit Court of Appeals. According to the testimony of Robert Perless of Iroquois, the proposal for a second compressor station in Brookfield is designed to substitute for the Islander East project and deliver the 200,000 dekatherms per day to the Algonquin pipeline through the second compressor proposed for Brookfield, then via the Iroquois pipeline to South Commack, New York.

The Millennium contract requires delivery of 100,000 dekatherms per day. The Keyspan contract which allegedly necessitates the construction of the second compressor, requires the delivery of up to 200,000 dekatherms per day. Therefore, the two combined contracts require firm transportation of up to 300,000 dekatherms per day of Algonquin Gas via the Iroquois Pipeline system. The December, 2006 FERC approval permits the transportation of up to 125,000 dekatherms per day via the approved 7,700 horsepower compressor in Brookfield. Pursuant to Draft Resource Report One, page 1-3, submitted by Iroquois, Iroquois can deliver 175,000 dekatherms per day without the construction of a second compressor in Brookfield. The 175,000 dekatherms per day can be transported via use of the "looping" proposed as Phase One and the 20,620 horsepower compressor in Milford, which is Phase Two, of the Iroquois 08/09 Expansion Project. While Iroquois complains that transportation via Phases One and Two would be "circuitous," Brookfield would argue that it is no less circuitous than the transportation of natural gas from Ramapo, New York up to Brookfield and back down to the Bronx, New York. This second compressor is not absolutely necessary to fulfill the contract with Keyspan. In addition, Iroquois may ultimately be able to rely upon the Islander East project and, accordingly, relying on Phase One and Phase Two of the 08/09 Expansion Project would perhaps only be temporary.

What is absolutely perplexing to the Town of Brookfield is the fact that Iroquois was not candid with FERC about the need for a second compressor in Brookfield. Iroquois held an "open season" for the purpose of securing additional contracts for the transportation of natural gas in October, 2006. (T.,

September 12, 2007, p. 33) However, Iroquois did not inform FERC about the contract with Keyspan for 200,000 dekatherms per day and the need for a second compressor station in Brookfield until February, 2007. (T., p. 43) FERC issued its approval of the 7,700 horsepower compressor station in December, 2006. The evidence in this record is clear that it would have been preferable, for a number of reasons, to construct one compressor station rather than to ultimately have two. One larger compressor station could have handled both contracts.

Based upon the periodic "open seasons" and the ever-changing market for natural gas in the northeast, Mr. Perless, on behalf of Iroquois, stated that he could not discount the possibility of a need for a third compressor in Brookfield. (T., pp. 35, 41) This would be a devastating state of affairs as one is more than enough at the High Meadow Road site in Brookfield. The Town of Brookfield would request not only that the Siting Council recommend denial of the application for a second compressor in Brookfield, but that the Siting Council also recommend that FERC order a moratorium on the construction of any further compressor stations or gas facilities on this site. Furthermore, Brookfield would request that the Siting Council recommend that FERC order Iroquois to deed a conservation easement to the Town of Brookfield which would prohibit any further development of the now undeveloped portion of the acreage owned by Iroquois on High Meadow Road. This would serve as a further safety feature providing a significant safety buffer between the school and the existing and approved facilities.

When Iroquois personnel attempted to explain why a single compressor was problematic, Iroquois explained that there was no guarantee that, pursuant to the two gas transportation contracts, the compressors would be running at full load. Iroquois personnel explained that, if a single high horsepower compressor did not run at load conditions exceeding at least 50%, this would increase the risk of more pollution. (T., pp. 46-47) However, Iroquois conceded that large compressor stations were "fairly common" (*Id.*, p. 48) Cutting through all the rhetoric, the real reason that Iroquois did not want to construct a larger single compressor station is because Iroquois claims it needs to be online by November, 2008 to fulfill its contract with Millennium to transport 100,000 dekatherms per day. However, the Town of Brookfield should not be a victim of the lack of candor on the part of Iroquois with FERC. Iroquois could have informed FERC as early as October or November, 2006 of the potential need to increase the proposed horsepower of the compressor station proposed.

Ground level for the compressor station facility is 390 feet above sea level. It was previously established that High Meadow Road is at 432 feet above sea level near the compressor station facility. The hill to the east of the proposed site is considerably higher and the location of the Whisconier Middle School is also topographically much higher than the location of the compressor station facility. It is clear that, in calculating air impacts, the topography of the vicinity of the proposed project must be taken into consideration as it can greatly influence accurate air dispersion modeling. The High Meadow Road site air impacts modeling must take into account the fact that the vast majority of the area surrounding the site

is “complex terrain” and elevated above the proposed stack heights. Despite the fact that this project has been analyzed since prior to 2002, modeling with specific inclusion of topography and on-site meteorological data, such as wind direction, has not been done. In fact, Iroquois personnel were quite stubborn in failing to concede Councilman Ashton’s point that on-site data would be invaluable in terms of giving background data and/or definitively determining that the air impact hazards were minimal as Iroquois maintains. (T., pp. 119-125)

The DEP has made it clear that fine particulate matter is an extreme health concern, particularly to children and the elderly. According to the DEP comments dated August 27, 2007, the EPA has tightened the 24-hour average standard for  $PM_{2.5}$  from 65 micrograms per cubic meter down to 35 UG/M. The DEP further informed Iroquois that it expected this second compressor project to comply with that new standard. Pursuant to Iroquois’ response to Siting Council Interrogatory 12, Iroquois stated that the 24-hour average for a  $PM_{2.5}$  for the newly proposed 10,300 horsepower compressor was 13.00 UG/M. The information provided in the response to CSC Interrogatory 12 and Table CSC-13, show that the smaller 7,700 horsepower approved compressor emits higher levels of  $PM_{2.5}$ , with a 24-hour average being 20.4 UG/M. Similarly, the smaller compressor emits higher levels of  $NO_2$  than the larger proposed second compressor. Iroquois explained that the reason for this was a higher exhaust velocity proposed for the larger compressor. Again, it appears that one larger compressor would appropriately handle Iroquois’ two gas contracts and simultaneously reduce hazardous air emissions at this site.



In questioning Iroquois' expert concerning air, Brookfield questioned why the overall levels of PM<sub>2.5</sub> would not be 66.4 (background 33, plus 20.4 for the approved compressor, plus 13.00 for the proposed compressor). Despite this question being asked a number of different ways, Iroquois' expert was unable to give a clear response and, ultimately, it was clear that Iroquois intends to use flexibility in background data for modeling to suddenly show somehow that the PM<sub>2.5</sub> levels will meet the new more stringent requirements. This strains credibility when it is clear that the smaller approved compressor exceeds the new 35 UG/M standard all by itself. (T., pp. 82-84) Iroquois' expert claimed that the background plus the specific levels attributable to the two compressors was just a "theoretical number." (T., p. 92) He further explained that these "minor sources" and their impacts just blend into the background figure and, therefore, it would not be appropriate to compound the two figures of 13.00 UG/M plus 20.4 UG/M. Suddenly, the emissions of PM<sub>2.5</sub> from the first compressor merely become part of the background when an analysis for the second compressor is performed. (T., p. 97) The problem is that the expert was unable to quantify what the new background number was that the number 13.00 UG/M gets added to.

With respect to "hazardous air pollutants," federal law defines "major source," in part, as "any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering control, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of any air pollutants."

The combination of the two compressors clearly fits this definition of “major source,” contrary to the assertion by Iroquois that they are each separate sources and are, therefore, both considered “minor sources.” (T., pp. 73-75) Lastly, the levels of emissions of  $\text{NO}_2$ ,  $\text{PM}_{10}$  and  $\text{PM}_{2.5}$  from these facilities all exceed “Significant Impact Levels” for air emissions. (T., pp. 130-31)

With respect to the potential impact radius (“PIR”) and the real risk to the nearby residents and the children at the Whisconier Middle School, as the Town of Brookfield has previously stated to the Siting Council, the Town of Brookfield seeks a definitive answer as to what risk children playing on the playground at the Whisconier Middle School or playing in a nearby residential yard actually face based upon real, definitive empirical data, rather than convenient calculations. PIR formulas were used to rate the Carlsbad, New Mexico facility, but deaths occurred at a distance 25% beyond the calculated PIR for that facility. Using a threshold of 1,800 BTU, a full bore rupture allegedly would result in a potential impact radius of 1,550 feet. (T., p. 177) (See also Transcript of prior Siting Council proceeding, Petition 755A, May 25, 2006, p. 109) This zone of danger is far too close to the Whisconier Middle School.

In the Siting Council’s prior opinion in Petition 755A dated June 28, 2006, the Siting Council made certain recommendations. In that document, the Council stated: “If the project is approved by the FERC, the Council offers the following recommendations for construction and operation of the facility.” The Town of Brookfield would urge the Council to specifically request that FERC include the Siting Council’s recommendations in any decision and order rendered by the FERC. This request is made

because that was not made clear to FERC in the Council's prior opinion and recommendations and, furthermore, this assertion is proven by the fact that FERC chose not to include most, if not all, of these recommendations. In addition, the Town of Brookfield would request that the Council consider adding certain deadlines to recommendations as became apparent during the hearing on September 12, 2007. While the Town of Brookfield still maintains that there should be a recommendation that the second compressor facility should not be constructed, absent that recommendation, clearly most of the prior recommendations of the Council should be included once again.


#### CONCLUSION

The Town of Brookfield strongly urges the Connecticut Siting Council to recommend to FERC that it reject the second compressor station proposed for Brookfield as it is not necessary and constitutes a further burden on the Town of Brookfield. In addition, the Town of Brookfield requests that the Connecticut Siting Council strongly recommend to FERC that it order a moratorium on any further construction of any additional gas transmission or other facilities on the High Meadow Road site and that Iroquois convey a conservation easement for the balance of the undeveloped property to the Town of Brookfield.

With the approval of a second compressor station, upwards of 1.5 million dekatherms per day of natural gas will flow through the Brookfield interconnect and compressor facilities. It is imperative that

all reasonable, appropriate and conservative safety controls and enhancements be included for this project if it is not, for some reason, outright rejected.

RESPECTFULLY SUBMITTED,  
TOWN OF BROOKFIELD


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**CERTIFICATION**

THIS IS TO CERTIFY that a copy of the foregoing has been mailed on the date hereof, postage prepaid, to all parties of record, to wit:

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\_\_\_\_\_  
Thomas W. Beecher  
Commissioner of the Superior Court

**STATEMENT OF THE FIRST SELECTMAN**  
**OF THE TOWN OF BROOKFIELD**

**October 25, 2007**

In 2002, Iroquois Gas Transmission Systems, LLP purchased a 68 acre parcel at 60 High Meadow Road in Brookfield. This parcel is contiguous to a 3 acre parcel Iroquois already owned. The company subsequently applied to the FERC for approval of a compressor station on the site. Despite strong local opposition, that approval was granted. Construction of that compressor station was planned to begin in 2004, but that project was cancelled because of changes in the energy market.

In 2006, Iroquois applied to the FERC for a change in the permit so that expanded compressor station facilities could be constructed. In addition to the compressor station, a series of 8 cooling towers were added. FERC approved the modified compressor station in December of 2006, approving a 7,700 horsepower compressor. The approved compressor station is less than 2,000 feet from the Whisconier Middle School. New residences have been built in the area since the original approval was granted back in 2002. Both the Iroquois and Algonquin Gas Pipelines traverse Brookfield. Unfortunately for Brookfield, the High Meadow Road area is the only location on the entire east coast where the Iroquois and Algonquin Gas Pipelines intersect.

Now, once again, in 2007, Iroquois has applied to FERC and the Connecticut Siting Council for approval of a second compressor facility at the same High Meadow Road site. The now proposed 10,300 horsepower compressor is significantly larger than the previously approved compressor. According to the

testimony elicited at the Siting Council hearings, Iroquois sought gas contracts that resulted in the need for a second compressor while the application for the first compressor was still pending before FERC. In addition, personnel from Iroquois testified that Iroquois did not inform FERC that it had sought new gas contracts during the time the application for the first compressor was pending before FERC. Now, conveniently, Iroquois claims that it cannot merely build one large compressor station to serve both the Con Ed gas contract, which was part of the previous approval pursuant to the Millenium Project, and the Keyspan Contract, which is part of this new application, because it cannot wait for a new approval of a new larger compressor because Iroquois needs to honor its commitments under the Con Ed contract to deliver up to 100,000 dekatherms per day.

Brookfield must now suffer the consequences of a lack of planning on the part of Iroquois, poor timing and a lack of complete candor by Iroquois with FERC. What is equally vexing to the Town of Brookfield is the very real possibility, in light of what has transpired in one short year, of an application for a third compressor station. When does it end for Brookfield and, in particular, the school children at the Whisconier Middle School?

The Town of Brookfield vehemently opposes the second compressor facility and, specifically requests that the Siting Council recommends to FERC that FERC reject this application. Secondly, the Town of Brookfield specifically requests that the Siting Council recommends to FERC that there be a moratorium on any further construction or expansion of gas operation facilities at this Brookfield site.

Pursuant to Iroquois' own exhibits and testimony, Iroquois could honor both the Con Ed and Keyspan contracts with the approved 7,700 horsepower compressor station and the construction of the proposed looping and the unopposed compressor facility in Milford, Connecticut. So why Brookfield again? In addition, with the Islander East Project on appeal, there is the possibility that the need for the second compressor in Brookfield would be moot if the gas can ultimately be delivered to Keyspan on Long Island via Cheshire, Connecticut and the Islander East Project.

The Connecticut Department of Environmental Protection states that health impacts associated with the Fine Particulate Matter that will spew from the compressor stacks up the ravine towards the Whisconier Middle School "aggravates existing heart and lung diseases, changes the body's defenses against inhaled materials and damages lung tissue. Lung impairment can persist for two to three weeks after exposure to high levels of particulate matter. Chemicals in and on particulates can also be toxic. Very fine particulates can be inhaled deeply into the lungs. When PM2.5 reaches unhealthy levels, people with respiratory or heart disease, the elderly and children are most at risk." Obviously, the risk to children who have respiratory issues is astronomical. The expert hired by Iroquois could not give a straight answer to a question posed by the Town at the September 12, 2007 hearing before the Siting Council which asked: What will the level of PM2.5 be with the addition of a second compressor? As far as the Town of Brookfield is concerned, any additional levels of fine particulate matter added within 2,000 short feet of young children is unacceptable.



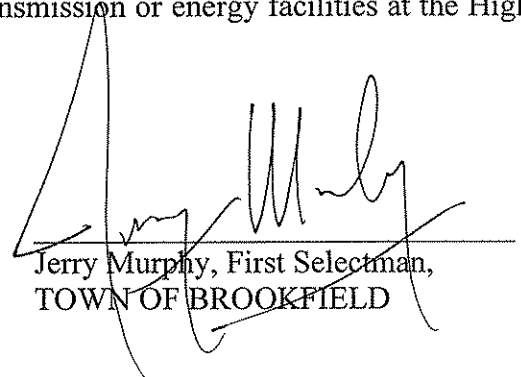
With respect to the arc of danger, or potential impact radius, associated with the confluence of Algonquin Pipelines, Iroquois Pipelines, two compressor stations and associated facilities, the Town of Brookfield is concerned that doubling the compressor facilities and associated connection pipes doubles the possibility for malfunctions and catastrophic explosions. According to the evidence from the 2006 and 2007 Siting Council proceedings, using an 1800 BTU burn threshold with a full bore rupture, serious injuries and damage will result at a distance of approximately 1,560 feet from this compressor site. Such a risk that it would impact surrounding citizens and their residences and, more importantly, would be a zone of danger too close for comfort at the school location is unacceptable. What if the experts' calculations are too conservatively low?

The Siting Council representatives have visited the High Meadow Road site on at least two occasions. The Siting Council representatives have attended two public hearings held within the Town of Brookfield. At those public hearings, the sense of the citizens of the Town of Brookfield was quite clear, and that is this proposed facility should not be located at this location in Brookfield. There are concerns regarding safety, noise, property values, pollution and the fact that this site has only one narrow road access. The Town's major overriding concern is, however, safety. As stated above, the potential danger to the 1,128 students at the Whisconier Middle School is of extreme concern.

All three members of the Board of Selectman and concerned citizens have visited a similar site in Athens, New York. We were reassured as to the technology, personnel and redundancy of the station.

However, the Athens, New York site was in a flat area and there were no houses to be seen in the vicinity. The Brookfield location is in direct contrast. There are many houses, some within 1,000 feet, and the site is in a "bowl" that would result in a dramatically different impact if a catastrophic event occurred, particularly so close to a school with over 1,000 students.

Brookfield presently hosts many miles of gas lines, and the burden of an additional compressor station and the redundant inherent dangers associated with having a second compressor station is above and beyond what a town should be expected to endure. Clearly, Brookfield residents are very concerned about this new proposed compressor, fresh on the heels of the prior compressor application and have expressed those concerns to both the Siting Council and to FERC. Brookfield residents feel that they are being asked once again to harbor a disproportionate burden in this proposal. I would urge the Siting Council, once again, to recommend to FERC that FERC reject this proposed second compressor station and to issue a moratorium on any further construction of gas transmission or energy facilities at the High Meadow Road site.



Jerry Murphy, First Selectman,  
TOWN OF BROOKFIELD